



MALDEF Testimony Before The House Elections Committee

September 18, 2020

Chairwoman Klick, Vice Chair Cortez, and Members of the Committee:

My name is Fátima Menéndez, and I am a Legislative Staff Attorney with MALDEF (the Mexican American Legal Defense and Educational Fund). Since its founding in 1968, MALDEF has litigated and advocated for Latino voting rights, here in Texas and across the U.S. Thank you for the opportunity to testify on how to make voter registration and voting more accessible to eligible voters in Texas.

MALDEF has long advocated before the Texas Legislature on ways to make voter registration more accessible, including the implementation of online voter registration (OVR) and the elimination of the volunteer deputy registrar (VDR) requirement. Texas is outside the mainstream of states because it does not have online voter registration. Online voter registration is currently available in 40 states and Oklahoma recently passed legislation to adopt online voter registration.¹ Online voter registration does not replace paper voter registration forms, but provides an additional avenue for eligible individuals to register to vote and significantly streamlines the registration of voters. An example of the effectiveness of OVR can be seen in Florida, which launched its online voter registration system in 2017 and in 2018 saw a notable increase in registered voters. Nearly 845,000 eligible individuals throughout the state registered to vote in 2018.² In the prior mid-term election year (2014), only about 604,000 individuals registered to vote in Florida.³ Also, in 2018 more eligible individuals in Florida registered through OVR than any other method of voter registration, with the exception of registration through a state agency office. The same pattern is present in Tennessee, which also implemented OVR in 2017.⁴ From July-December 2018, over 259,500 people registered to vote.⁵ For the same six month period in 2014, prior to the implementation of OVR, only about 99,400 people registered to vote in Tennessee.⁶

The convenience, simplicity and safety provided by online voter registration cannot be overstated. This is especially true as the COVID-19 pandemic continues to create barriers to in-

¹ <https://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>

² <https://dos.myflorida.com/elections/data-statistics/voter-registration-statistics/voter-registration-reportsxlsx/voter-registration-method-and-location/>

³ <https://dos.myflorida.com/elections/data-statistics/voter-registration-statistics/voter-registration-reportsxlsx/voter-registration-method-and-location/method-and-location-archive/>

⁴ <https://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>

⁵ <https://sos-tn-gov-files.tnsosfiles.com/RptSixMonthSumDec2018.pdf>

⁶ <https://sharetngov.tnsosfiles.com/sos/election/data/reg/2014-12.pdf>

person voter registration through a volunteer deputy registrar or at a Department of Public Safety office. OVR is convenient for eligible individuals who have internet access and eases the burden on county election officials who currently have to enter manually information provided on paper forms into the electronic registration system. This convenience translates into OVR also being cost-efficient. For example, Maricopa County, Arizona saved over \$1 million over five years through offering OVR.⁷ The county's dependence on manual data entry and paper was significantly decreased after OVR; in terms of cost per registration, Maricopa County spent an average of three cents to process each voter registration form submitted online versus 83 cents per paper form.⁸

Texas continues to be one of the states with the lowest political participation rates in the country. In fact, in the 2018 mid-term election, Texas came in 41st among states in voter turnout as a percent of eligible population.⁹ One factor that contributes to the dismal rate of voter registration in Texas is the requirement of deputization for individuals who wish to help people in the community complete and mail their voter registration forms. In the U.S., only one state, Texas, still makes participation in its deputy registrar system mandatory for any person or group conducting a voter registration drive.¹⁰ Texas further restricts voter registration by requiring deputy registrars to re-certify every two years, requiring certification in every county in which the deputy registrar plans to assist registrants, and delegating mandatory training to individual counties.

In addition to structural barriers to voter registration, Texas targeted thousands of newly-naturalized voters for a purge in 2019. During the 86th Texas Legislative Session then-Secretary of State David Whitley launched a statewide voter purge against registered voters he claimed were non-U.S. citizens.¹¹ Whitley's list relied on out of date driver's license records to target close to 100,000 voters. MALDEF, on behalf of 13 Latino naturalized citizen voters and five advocacy organizations, brought a legal challenge against David Whitley, other state officials and a number of individual counties over the voter purge.¹² We secured a temporary restraining order and were able to settle for strong relief that resulted in part in a new procedure for the Secretary of State's office to identify voters for investigation of U.S. citizenship.¹³ Under the new procedure, the Secretary of State will identify only currently registered voters who registered to vote *before* they presented documents to the Department of Public Safety indicating non-U.S. citizenship.¹⁴ The Secretary will send only those names to the counties for further

⁷ https://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2012/pewupgradingvoterregistrationpdf.pdf , p. 2.

⁸ https://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2012/pewupgradingvoterregistrationpdf.pdf , p. 2.

⁹ <https://www.nonprofitvote.org/documents/2019/03/america-goes-polls-2018.pdf> , p. 7.

¹⁰ <https://www.brennancenter.org/sites/default/files/legacy/publications/State%20Restrictions%20on%20Voter%20Registration%20Drives.pdf> , p. 5.

¹¹ <https://www.texastribune.org/2019/02/01/texas-acknowledges-its-list-thousands-texas-voters-flagged-citizenship/>

¹² <https://www.maldef.org/2019/02/maldef-files-lawsuit-against-texas-secretary-of-state-for-baseless-investigation-of-immigrants-voting-eligibility/>

¹³ <https://www.maldef.org/2019/04/latino-voters-civil-rights-groups-reach-settlement-with-texas-over-purging-of-voter-rolls/>

¹⁴ <https://www.maldef.org/2019/04/latino-voters-civil-rights-groups-reach-settlement-with-texas-over-purging-of-voter-rolls/>

investigation of citizenship.¹⁵ The settlement also resulted in training by the Secretary of State that advises all counties to treat this type of data as weak matches, which means that the counties may not immediately cancel any voter's registration.¹⁶

MALDEF believes that voter registration and voting should be accessible, simple and secure. This includes accessibility for voters with physical disabilities. Currently, curbside voting is available to voters who are physically unable to enter a polling location. However, it is difficult for curbside voters to advise poll workers of their arrival, either in person or by phone.¹⁷ Voters with disabilities should have easy access to an alert system that will immediately notify election officials of their arrival and allows election officials to promptly acknowledge the voter. To ensure voters with disabilities are aware of the alert system, there should be signage informing voters of the possibility of voting curbside at the entrance to the poll parking lot. The signage should include instructions on how to notify election officials of the arrival of a curbside voter.

MALDEF thanks the Committee for the opportunity to testify on how Texas can efficiently and securely increase voter registration and turnout.

¹⁵ <https://www.maldef.org/2019/04/latino-voters-civil-rights-groups-reach-settlement-with-texas-over-purging-of-voter-rolls/>

¹⁶ <https://www.maldef.org/2019/04/latino-voters-civil-rights-groups-reach-settlement-with-texas-over-purging-of-voter-rolls/>

¹⁷ <https://www.votetexas.gov/voters-with-special-needs/>